

7.

THE
PREROGATIVE
ROYAL

Of the



Monarchs of *Scotland*, and the Succession to the Crown, as mentioned in the Act of Parliament.

BY Chap: 3^d Parl. 1st K. Ja: 6. It is statuted, That no Man openly Rebel against the King's Person, under the Pain of Forfeiture of Life, Lands and Goods. And by Chap: 69, Par. 6. Ja: 5th. It is Declared, That Treason against the King's Person may be pursued against the Heirs of the Traitor for Forfeiting his Estate and Memory.

By Chap: 129. Par. 8. Ja: 6. The Royal Power and Authority is Ratified over all Estates, as well Spiritual, as Temporal; and that not only in the King's Person, but in Persons of his Heirs and Successors.

By Chap: 12. Par: 10. Ja: 6. It is Statute, That no Leagues, or Bands be made amongst the Leidges, without the King's Privy, or Consent, under the Pain of Sedition.

By Chap: 1st, Par: 18. Ja: 6. The King's Sovereign Authority is acknowledged, and Prerogative Royal over all Estates, Persons and Causes, with a faithful Promise perpetually to acknowledge, obey and maintain the Life, Honour and Authority of his Majesty, his Heirs and Successors, with Lives, Lands and Goods, and to withstand all, who shall intend to impugn, hurt, or impair the same: And this Act is Ratified, and the Prerogative Royal asserted, by Chap: 3^d, Par: 1st, Chap: 1st.

By the Confession of Faith, Contained in Act 3^d, Par: 1st, Ja: 6. The Protestants do confess and acknowledge all Empires, Kingdoms, Dominions, &c. to be ordained of GOD; So that whosoever goeth about to take away, or confound the Civil Policy, long established, They affirm the saids Men, not only to be Enemies to Mankind, but also wickedly to fight against GOD, his express Will; and that Persons in Authority are GOD's Lieutenants, in whose Sessions GOD Himself doth sit and Judge, and that the Conservation and Purgation of Religion appertains to them, and that such, as resist the Supreme Power, do resist GOD's Ordinance; and therefore cannot be guiltless, and who deny them their Help, Support or Counsel, deny the same to GOD, who by the Presence of his Lieutennant, does crave it of them.

By Chap: 5. Sess. 1st, Par: 1st, Cha: 2^d The Prerogative Royal is asserted, declaring the King to hold his Crown from GOD alone, and that the Power of Arms, making of Peace and War, and Leagues with foreign Princes doth properly reside in the King's Majesty, his Heir and
A Suc-

Successors, and that they have the only Right of raising the Subjects in Arms; and to command, or order, disband or otherways dispose of them: And all Deeds in the contrary are declared to be Treasonable. This Act is ratified, by Act 15. Sess. 1st, Par: 1st, Cha: 2d, and by Act 2d Par: 3d, Cha: 2d, and by Act 1st, Par: 1st, Sess. 1st, Par: 2d, Cha: 2d. His Majesty's Supremacy is asserted, over all Persons, and in all Causes Ecclesiastical, and the Vertue thereof, the ordering and disposing of the External Government, and Policy of the Church doth belong to the King and his Successors, as an inherent Right of the Crown, and that he may Enact such Constitutions, Acts and Orders concerning the Administration of the said Government, and Persons imployed in the same, and concerning all Church-Meetings, and in all Matters to be proponed and determined therein, as he shall think fit; and all Laws and Customs contrary to the said Act are hereby Rescinded.

By Act 2d, Par: 3d, Cha: 2d. It is declared, That the Kings of this Realm derive their Power from GOD Almighty alone, and do succeed lineally thereto, according to the known Degrees of Proximity in BLOOD, which cannot be interrupted, suspended or diverted, by any Act or Statute whatsoever; and that none can attempt to alter, or divert the said Succession, without involving the Subjects of this Kingdom in Perjury and Rebellion; and the Parliament by the said Act does recognize, acknowledge and declare, that the Right of the Imperial Crown of this Realm is by the inherent Right and Nature of the Monarchy, as well as by the Fundamental, and Unalterable Laws of this Realm, transmitted, and devolved, by a lineal Succession, according to the Proximity of BLOOD; And that upon the Death of the King, or Queen, who actually Reigns, the Subjects of this Kingdom are bound by Law, Duty and Allegiance, to obey the next, and immediate Lawful Heir Male, or Female, upon whom the Right of Administration of the Government is immediatly devolved; and that no Difference in Religion, nor no Law, or Act of Parliament, made, or to be made, can alter or divert the Right of Succession, and lineal Descent to the nearest and lawful Heirs, according to the Degrees forefaids, nor can stop or hinder them, in the full, free and actual Administration of the Government; and by the said Act it is declared High Treason, for any Subjects, in the Kingdom, by Writing, Speaking, or any other Manner of Way, to endeavour the Alteration, Suspension or Diversion of the said Right of Succession, or the debarring the next lawful Successor, from the immediate, actual, full and free Administration of the Government, conform to the Laws of the Kingdom, and that all such Attempts, or Designs shall infer against them the Pain of High Treason.

By Chap. 2d, Sess. 2d, Par: 1st, Cha: 1d. It is statuted, That if any Person shall plot, contrive or intend Death, or Destruction to the King, or any bodily Harm tending thereto, or any Restraint upon his Person, or to deprive, depose or suspend him from the Stile, Honour and Kingly Name of this or any other his Majesty's Dominions, or to suspend him from the Exercise of his Government, or to levy War, or take up Arms against him, or any commissioned by him, or to intice Strangers, or others to invade any of his Dominions, and by Writing, Printing, Preaching, or other malicious and advised speaking, expresse or declare such their treasonable Intentions, he shall be adjudged a Traitor, and punishable as in the Case of high Treason.

By Act 5. Sess. 2d Parl. William and Mary holden at Edinburgh the 7th of June 1690. The Earl of Melvil Commissioner, The Confession of Faith is thereby Ratified and approven, and by the fourth Paragraph of the 23d, Article thereof all are obliged to Confess and Declare that it is

the Duty of the People to Pray for Magistrates, to honour their Persons, to pay them Tribute, and other Dues, and to obey their Lawful Commands, and to be so just to their Authority for Conscience sake, and that Infidelity or Difference in Religion doth not make void the Magistrates just and Legal Authority, nor free the People from their due Obedience to him, from which Ecclesiasticks are not exempted.

In the Reign of King *Charles* the first a great many of the Subjects of this Kingdom did break several of the foresaid *Acts* by entering into a Covenant and Rebellion against their Prince which occasioned great Confusion and Blood-shed and came to that height that nothing could satisfy the Designs of Men in those Times but the Murder of their Sovereign, and the Ruine of the Monarchy: But the happy Restauration of King *Charles* the 2d, put a stop to the Rebels Carrier.

In the Reign of King *Charles* the second the Spirit of Rebellion appeared, and the Rebels arose in Arms against their King at *Pentland-Hills*, Anno 1666. and at *Bothwell-Bridge* Anno 1679, both which Rebellions were crushed by the prudence of the King and his Ministers.

Notwithstanding of all the Laws Divine, and the foresaid *Acts* of Parliament, and a great many Rebels attempted the Murder of King *Charles* the second and his Brother then Duke of *Tork*, as witness the *Ryehouse* Plot, of which several *Scots* Men were Guilty; which is to be read in the Printed Accounts of the said Plot, and in the Printed Trial of *Bailie* of *Jerviswood*, who as being one guilty in the said Plot, was Condemned as a Traitor, and as such Hanged and Quartered, whose Trial is in Print and to be read, and was Convict by the Depositions of several of his own Country-Men, and of his own Stamp, of which Mr. *William Carstairs* was one, and whose Deposition is as follows.

EDINBURGH-Castle, September the 8th, 1684.

After *William Carstairs* being examined upon Oath, conform to the Condescension given in by him, and on the Terms therein mentioned; Depones, That about November or December 1682, *James Steuart* Brother to the Laird of *Cultnefs* wrote a Letter to him from *Holland*, importing that if any Considerable Sum of Money could be procured from *England*, that some thing of Importance might be done in *Scotland*; The which Letter the Deponent had an inclination to inform *Shepard* in *Abby-Church-Lane* Merchant in *London* of; But before he could do it, he wrote to Mr. *Steuart* above Named to know from him if he might do it, and Mr. *Steuart* having consented, he Communicate to Mr. *Shepard* the said Letter, who told the Deponent, that he would Communicate the Contents of it to some Persons in *England*; but did at the same time Name no Body as the Deponent thinks, some time thereafter Mr. *Shepard* told the Deponent that he had Communicate the Contents of the Letter above Named to Collonel *Sidney*, and Collonel *Danvers* was present, and told the Deponent that Collonel *Sidney* was averse from employing the late Earl of *Argyle*; or meddling with him, judging him a Man too much affected to the Royal Family, and inclined to the present Church Government; Yet Mr. *Shepard* being put upon it by the Deponent still urged that one might be sent to the Earl of *Argyle*; but as Mr. *Shepard* told him he was suspected upon the account of his urging so much, yet afterwards he pressed without the Deponent's knowledge, that the Deponent being to go to *Holland* however, might have some Commission to the Earl of *Argyle*, which he having informed the Deponent of, the Deponent told him that he himself would not be concerned, but if they would send another, he would introduce him; but nothing of this was done: Upon which the Deponent went over without Commis-

sion from any Body to *Holland*, never meeting with *James Steuart* above
 Named: He was introduced to the Earl of *Argyle* with whom he had
 never before Conversed; and did there Discourse what had past betwixt
 Mr. *Shepard* and him; and particularly about remitting of Money to
 the said Earl from *England*; of which the said Mr. *Stewart* had written
 to the Deponent; namely of 30000 pounds *sterling*; and of the raising
 1000 Horse and Dragoons; and the securing of the Castle of
Edinburgh as a matter of the greatest importance. The Method
 of doing this was proposed by the Deponent, to be one Hour
 or thereby after the Relieving of the Guards: But the Earl did
 not Relish this proposition, as Dangerous and that the Castles would
 fall of Consequence, after the work Abroad was done, *James Steuart* was
 of the Deponent's Opinion for seizing the Castle, because it would secure
Edinburgh, the Magazines and Arms as to the 1000 Horse and Dragoons:
 My Lord *Argyle* was of Opinion that without them nothing was to be
 done; and that if that Number were raised in *England* to the said Earl, he
 would come into *Scotland* with them, and that there being so few Horse
 and Dragoons to meet them, he Judged he might get the Country with-
 out Trouble, having such a standing Body for their Friends to Rendez-
 vous to; and the said Earl said, He could shew the Deponent the conveni-
 ent places for Landing, if he understood; and as the Deponent Remembers
 where the Ships could attend. The Deponent Remembers not the
 Names of the Places. The Deponent spoke to the Lord *Stairs*, but can-
 not be positive that he Named the Affair to him, but found him shy, but
 the Earl of *Argyle* told him, he thought *Stairs* might be gained to them;
 And that the Earl of *Lowdown* being a Man of good reason and disobliged;
 would have great Influence upon the Country, and recommended the
 Deponent to Major *Holms*, with whom the Deponent had some Acquaint-
 ance before, and had brought over a Letter from him to the Earl of
Argyle; but the Deponent had not then Communicat any thing to the
 said *Holms*. *James Steuart* laid down a way of Correspondence by Sy-
 phers and false Names, and sent them over to *Holms*, and the Deponent
 for their use (which Cyphers and Names are now in the Hands of his
 Majesty's Officers, as the Deponent supposes) and did desire the Depon-
 ent earnestly to propose the 30000 *Lib. Sterl.* above Named to the party in
England, and did not propose any less; for as the Earl told the Deponent he
 had particularly calculate the Expences for Ammunition, Arms &c. But *James*
Steuart said that if some less could be had, the Earl would content him-
 self if better might not be, but the Earl always said that there was no-
 thing to be done without the Body of Horse and Dragoons above men-
 tioned. During y time of y Deponent his abode in *Holland*, tho he had several
 Letter from *Shepard*, yet there is no satisfactory account, till some time
 after the Deponent parted with the Earl of *Argyle*, and was making for
 a Ship at *Rotterdam* to Transport himself to *England*. *James Steuart*
 wrote to him that there was hopes of the Money. The next day after
 the Deponent came to *England*, he met with Sir *John Cochran*, who with
 Commissar *Monro* and *Jerwiswood*, was at *London* before he came over.
 And Depones, that he knows not the account of their coming, more then
 for the perfecting the Transaction about *Corolina*: And having acquaint-
 ed Sir *John Cochran* with the Earl's demands of the 30000 *Lib. Sterl.* and
 1000 Horse and Dragoons, Sir *John* carried him to the Lord *Russel*, to
 whom the Deponent proposed the Affair, but being an Absolute Stranger
 to the Deponent, had no return from him at that time, but afterwards
 having met him accidentally at Mr. *Shepard's* House, where the Lord
Russel had come to speak to *Shepard* about the Money abovenamed, as
 Mr. *Shepard* told the Deponent. The Deponent (when they were
 done

done Speaking) desired to speak to the Lord *Russel*, which the Lord *Russel* did, and having reiterate the former proposition for 30000 *Lib. Sterl.* and the 1000 Horse and Dragoons, he, the Lord *Russel* told the Deponent they could not get so much raised at the time. But if they had 1000 *Lib. Sterl.* to begin, that would draw People in, and when they were once in, they would soon be brought to more, but as for the 1000 Horse and Dragoons, he could say nothing at the present, for that behoved to be concerted upon the Borders. The Deponent made the same proposal to Mr. *Fergusson* who was much concerned in y^e Affair, and Zealous for the promoting of it. This Mr. *Fergusson* had in *October* or *November* before as the Deponent remembers in a Conversation with the Deponent in *Cheapside*, or the Street some where there about, said, that for saving of Innocent Blood, it would be necessary to cut of a few, Insinuating the King and Duke, but cannot be positive whether he Nam'd them or not, to which the Deponent said, that's work for our wild People in *Scotland*, my Conscience does not serve me for such things, after which the Deponent had never any particular discourse with *Fergusson* as to that matter; but as to the other Affair *Fergusson* told the Deponent, that he was doing, what he could to get it effectuate, as particulaly, that he spoke to one Major *Wildman*, who is not of the Deponent his Acquaintance. *Fergusson* blamed always *Sidney*, as driving Designs of his own. The Deponent met twice or thrice with the Lord *Melvil*, Sir *John Cochran*, *Jerviswood*, Commissar *Monro*, the Two *Cessnocks*, *Montgomery* of *Langshaw*, and one Mr. *Veitch*, where they discoursed of Money to be sent to *Argyle*, in Order to the carrying on the Affair, and tho' he cannot be positive the Affair was named, yet it was understood by himself, and as he conceives by all present, to be for raising in Arms for rectifying the Government. Commissar *Monro*, Lord *Melvil* and the two *Cessnocks*, were against meddling with the *English*, because they judged them Men that would talk and would not do; but were more inclined to do some thing by themselves, if it could be done. The Lord *Melvil* thought every thing hazardous, and therefore the Deponent cannot say he was positive in any thing, but was most inclined to have the Duke of *Monmouth* to head them in *Scotland*, of which no particular Method was laid down. *Jerviswood*, the Deponent and Mr. *Veitch* were for taking Money at one of these Meetings. It was resolved, that Mr. *Martin*, late Clerk of the Justice Court, should be sent to *Scotland*, to desire their Friends to hinder the Country, from raising, or taking rash Resolutions upon the Account of the Council, till they should see how Matters went in *England*. The said *Martin* did go at the Charges of the Gentle-men of the Meeting, and was directed to the Laird of *Polwart* and *Torwoodlie*, who sent back Word, that it would not be so easie a Matter to get the Gentry of *Scotland* to concur: But afterwards in a Letter to Commissar *Monro*, *Polwart* wrote, that the Gentry was readier to concur, than they imagined; or some thing to that Purpose. The Deponent, as above said, having brought over a Key from *Holland*, to serve himself and Major *Holms*; he remembers not that ever he had an exact Copy of it, but that sometimes the one sometimes the other kepted it, and so chanced to be in his Custody, when a Letter from the Earl of *Argile* came to Major *Holms*, intimating, that he would joyn with the Duke of *Monmouth*, and follow his Measures, or obey his Directions. This Mr. *Veitch* thought fit to communicate to the Duke of *Monmouth*, and for understanding of it was brought to the Deponent, and he gave the Key to Mr. *Veitch*, who as the deponent was informed, was to give it and the Letter to *Fergusson*, and he to show it to the Duke of *Monmouth*; but what was done in it, the Deponent knows not. The Deponent heard the Design of killing the King Duke and from Mr. *Shepard*, who

told the Deponent, some were full upon it. The Deponent heard that *Aaron Smith* was sent by those in *England*, to call *Sir John Cochran*, on the account of *Carolina*; but that he does not know *Aaron Smith*, or any more of that Matter, not being concerned in it. *Shepard* nam'd *Young Hamilton* frequently was concerned in these Matters.

Signed at *Edinburgh Castle*, the 8th of September 1684. and received the 18th of the same Month, by

Sic subscribitur,

William Carstairs
Perth Cancell. J. P. E.
Edin.

Edinburgh Castle the 18th September 1684.

MR, *William Carstairs*'s being again Examined, adheres to his former Deposition, in all the parts of it, and Depones himself of no Correspondence betwixt *Scotland* and *England*, since *Martin* before Named, for these Gentlemen to whom he was left to follow their own methods. *Keith* sometimes as the *Deponent* Remembers, stayed at *Nicolson* Scriblers House at *London Wall*, sometimes with one *Widow Haddell* in *Morfields*, The *Deponent* did Communicate the Design on foot to *Doctor Owen Griffith*, and *Mr. Aled and Slepton*, who all concurred in the project of it, and were desirous it should take effect; and to one *Mr. Fergusson* of *Temple*, *Coucellour at Law*, who said that he would see what he could do in reference to the Money, but there having gone a Report, that there was no Money to be raised; he did nothing in it; nor does the *Deponent* think him any more concerned in the Affair. *Nethrop* frequently came to the *Deponent* of the Money to be sent to *Argyle*, whether it was or not, but the *Deponent* used no freedom with him in this. *Goodenough* did insinuate once, that the *Lords* were not inclin'd to the thing, and that before, they would see what they could do in the matter. The *Deponent* saw *Mr. Fergusson* and *Mr. Ramsay* lurking after the *Proclamation*, having gone to *Fergusson*, in the back of *Bishops Gate Street*, at some new Building, whether he was directed by *Fergusson*, who was desirous to know how things went. *Ramsay* was the *Deponent* his Acquaintance before, but they knew as little of the matter as the *Deponent*. This is what the *Deponent* remembers, and if any thing come to his Memory, he is to deliver it in betwixt and the first of *October*. And this is Truth, as he shall Answer to *GOD*.

Sic Subscribitur

William Carstairs.

At Edinburgh the 22d, of December 1684.

These foregoing Depositions, Subscribed by *Mr. William Carstairs* the *Deponent*, and by the *Lord Chancellor*, were acknowledged on Oath by the said *Mr. William Carstairs*, to be his true Depositions; and that the Subscriptions were his, in presence of us under Subscribers,

Sic Subscribitur

William Carstairs
Perth Cancell.
Queensberry.
Athol.

David Falconer
George M'kenzie

Sir, I have here sent you an *Breviate* of the several Acts of *Parliament* relating to the *Prerogative Royal* of the *Monarchs of Scotland* and of their *Succession* to the *Imperial Crown* thereof, I shall trouble you with the several *Incroachments* that have been made upon the same, but do send you to the *Histories* by which certainly you will see the particulars relating thereto.